REMARKS

Claims 7-10, 16-26 and 28-36 are pending in this application upon entry of the present amendment.

Claims 7 and 8: §§ 102(e) and 103(a) Rejections

Claims 7 and 8 stand rejected under 35 U.S.C. § 102(e) as anticipated by and § 103(a) as obvious in view of *Anderson* (U.S. Patent No. 6,003,130). Applicants respectfully request withdrawal of these rejections because *Anderson* does not teach or suggest all elements of independent claim 7 and dependent claim 8.

Claim 7 recites:

A method for updating a system BIOS for a processor, comprising:

upon restart of the processor, determining whether system memory contains a BIOS package,

authenticating the BIOS package, and

upon successful authentication, storing the BIOS package in a reprogrammable BIOS memory space.

Here, the BIOS package is optional, and the system needs to determine if the optional BIOS package exists in its memory. No where in *Anderson* does it mention the BIOS package being optional or of the determination step. Thus, at least on this ground, *Anderson* does not teach or suggest every element of the claimed subject matter. The Examiner's assertion about the obviousness "to include a success flag identifying the BIOS package as successfully stored" does not overcome the deficiency above, because it does not suggest the optional nature of the BIOS package. Accordingly, *Anderson* fails to anticipate or render obvious every element presented in independent claim 7, and the applicants respectfully request the withdrawal of the §§ 102(e) and 103(a) rejections over independent claim 7 and its dependent claim 8.

Claims 9 and 10: § 102(b) Rejections

Claims 9 and 10 stand rejected under 35 U.S.C. § 102(b) as unpatentable over *Follendore* (U.S. Patent No. 5,369,707). Applicants respectfully request withdrawal of these rejections because *Follendore* does not teach or suggest all elements of independent claim 9 and dependent claim 10.

Claim 9 recites:

A computer system, comprising:

a processor,

firmware electrically connected to the processor, the firmware comprising:

a first storage space to store a first system BIOS, the first storage space being a read only memory,

a second storage space to store a second system BIOS and an index table, the index table associating elements of the second system BIOS with elements of the first system BIOS.

Here, the second storage space stores an index table, associating BIOS elements of the two storages. In *Follendore*, the second storage space is only said to be capable of receiving data transmitted by the first storage space, and it makes no mention of either the index table or the association function involved. *See Follendore*, col. 16, lines 29-30. Association of data is fundamentally different from the mere receiving of data: receiving does not implicitly lead to association, and association may not require receiving. Accordingly, *Follendore* fails to anticipate or render obvious every element presented in independent claim 9, and the applicants respectfully request the withdrawal of the § 102(b) rejections over independent claim 9 and its dependent claim 10.

Claims 16-19: § 102(e) Rejections

Claims 16-19 stand rejected under 35 U.S.C. § 102(e) as anticipated by *Rakavy* (U.S. Patent No. 5,978,912). Applicants respectfully request withdrawal of these rejections because *Rakavy* does not teach or suggest all elements of independent claim 16 and dependent claims 17-19.

Claim 16 recites:

A BIOS processing method, comprising:

executing a system BIOS from a default memory space,

executing an ancillary BIOS according to:

determining whether an ancillary BIOS exists in an alterable memory space,

if no ancillary BIOS exists in the alterable memory space, executing an ancillary BIOS from the default memory space.

Rakavy's method, pertaining to the operating of a computer, executes a first BIOS and then a predetermined second BIOS. *Rakavy*, col. 21, lines 6-11. In claim 16, there could potentially be more than one ancillary BIOS, and the execution of such involves a determination between the alternatives. No where does *Rakavy* disclose or suggest the determination involved here or the possible choice between operable second BIOS's. Accordingly, *Rakavy* fails to anticipate or render obvious every element presented in independent claim 16, and the applicants respectfully request the withdrawal of the § 102(e) rejections over independent claim 16 and its dependent claims 17-19.

Claim 20: § 102(e) Rejection

Claim 20 stands rejected under 35 U.S.C. § 102(e) as anticipated by *Rakavy* (U.S. Patent No. 5,978,912). Applicants respectfully request withdrawal of this rejection because *Rakavy* does not teach or suggest all elements of independent claim 20.

Claim 20 recites:

An ancillary BIOS processing method, comprising:

determining whether an ancillary BIOS package is present in an enhancement space of firmware,

if the ancillary BIOS package is present, determining whether a predetermined user command has been entered,

if the predetermined user command has not been entered, executing the ancillary BIOS package from the enhancement space,

otherwise, executing an ancillary BIOS from a default space of firmware.

As mentioned above, *Rakavy* does not disclose or suggest the determination involved here or the possible choice between operable BIOS's. Accordingly, *Rakavy* fails to anticipate or render obvious every element presented in independent claim 20, and the applicants respectfully request the withdrawal of the § 102(e) rejection over independent claim 20.

Claim 22: § 102(e) Rejection

Claim 22 stands rejected under 35 U.S.C. § 102(e) as anticipated by *Rakavy* (U.S. Patent No. 5,978,912). Applicants respectfully request withdrawal of this rejection because *Rakavy* does not teach or suggest all elements of independent claim 22.

Claim 22 recites:

An ancillary BIOS processing method, comprising:

determining whether an ancillary BIOS package is present in an enhancement space of firmware, the ancillary BIOS package including a BIOS update,

if the ancillary BIOS package is present, determining whether a predetermined flag has been set in the firmware,

if the predetermined flag has been set, executing the ancillary BIOS package from the enhancement space,

otherwise, executing an ancillary BIOS from a default space of firmware.

As mentioned above, *Rakavy* does not disclose or suggest the determination involved here or the possible choice between operable BIOS's. Accordingly, *Rakavy* fails to anticipate or render obvious every element presented in independent claim 22, and the applicants respectfully request the withdrawal of the § 102(e) rejection over independent claim 22.

Claim 24: § 102(e) Rejection

Claim 24 stands rejected under 35 U.S.C. § 102(e) as anticipated by *Rakavy* (U.S. Patent No. 5,978,912). Applicants respectfully request withdrawal of this rejection because *Rakavy* does not teach or suggest all elements of independent claim 24.

Claim 24 recites:

An ancillary BIOS processing method, comprising:

determining whether an ancillary BIOS package is present in an enhancement space of firmware, the ancillary BIOS package including a BIOS update,

if the ancillary BIOS package is present in the enhancement space, decompressing the ancillary BIOS package, and

executing the ancillary BIOS package.

As mentioned above, *Rakavy* does not disclose or suggest the determination involved here or the possible choice between operable BIOS's. Accordingly, *Rakavy* fails to anticipate or render obvious every element presented in independent claim 24, and the applicants respectfully request the withdrawal of the § 102(e) rejection over independent claim 24.

Claim 26 and 28-30: §§ 102(b) and 103(a) Rejections

Claim 26 and 28-30 stand rejected under 35 U.S.C. § 102(b) as unpatentable over and § 103(a) as obvious in view of *Shipman* (U.S. Patent No. 5,671,413). Applicants respectfully request withdrawal of these rejections because *Shipman* does not teach or suggest all elements of independent claim 26 and dependent claims 28-30.

Claim 26 recites:

A video BIOS processing method, comprising:

during execution of a system BIOS, determining whether a video BIOS exists in an alterable firmware section of a memory system,

if no video BIOS exist in the alterable section, executing a video BIOS in a nonalterable firmware section in the memory system.

Here, the features of this claim determine whether an alternative BIOS exists. *Shipman* fails to mention any remotely similar method step, because it only describes the creation of a single BIOS from multiple BIOS's. Thus, at least on this ground, *Shipman* does not teach or suggest every element of this subject matter. *Rossi* (U.S. Patent No. 5,564,020) disclosed using EEPROM as the storage medium for video BIOS. However, this does not overcome *Shipman*'s deficiency. Accordingly, *Shipman* fails to anticipate or render obvious every element presented in independent claim 26, and the applicants respectfully request the withdrawal of the §§ 102(b) and 103(a) rejections over independent claim 26 and dependent claims 28-30.

Claim 31 and 32: § 102(b) Rejections

Claim 31 and 32 stand rejected under 35 U.S.C. § 102(b) as unpatentable over *Shipman* (U.S. Patent No. 5,671,413). Applicants respectfully request withdrawal of these rejections because *Shipman* does not teach or suggest all elements of independent claim 31 and dependent claim 32.

Claim 31 recites:

A video BIOS processing method, comprising:

determining whether a video BIOS package is present in an enhancement space of firmware,

if the video BIOS package is present, determining whether a predetermined user command has been entered,

if the predetermined user command has not been entered, executing the video BIOS package from the enhancement space,

otherwise, executing a video BIOS from a default space of firmware.

As mentioned above, *Shipman* fails to disclose the determination of whether an alternative BIOS exists. Accordingly, *Shipman* fails to anticipate or render obvious every element presented in independent claim 31, and the applicants respectfully request the withdrawal of the § 102(b) rejections over independent claim 31 and dependent claim 32.

Claim 33 and 34: § 102(b) Rejections

Claim 33 and 34 stand rejected under 35 U.S.C. § 102(b) as unpatentable over *Shipman* (U.S. Patent No. 5,671,413). Applicants respectfully request withdrawal of these rejections because *Shipman* does not teach or suggest all elements of independent claim 33 and dependent claim 34.

Claim 33 recites:

A video BIOS processing method, comprising:

during execution of a system BIOS, determining whether a video BIOS package is present in an enhancement space of firmware, the video BIOS package in the enhancement space including a BIOS update,

if the video BIOS package is present, determining whether a predetermined flag has been set in the firmware,

if the predetermined flag has been set, executing the video BIOS package from the enhancement space,

otherwise, executing a video BIOS from a default space of firmware.

As mentioned above, *Shipman* fails to disclose the determination of whether an alternative BIOS exists. Accordingly, *Shipman* fails to anticipate or render obvious every element presented in independent claim 33, and the applicants respectfully request the withdrawal of the § 102(b) rejections over independent claim 33 and dependent claim 34.

Claim 35 and 36: § 102(b) Rejections

Claim 35 and 36 stand rejected under 35 U.S.C. § 102(b) as unpatentable over *Shipman* (U.S. Patent No. 5,671,413). Applicants respectfully request withdrawal of these rejections because *Shipman* does not teach or suggest all elements of independent claim 35 and dependent claim 36.

Claim 35 recites:

A video BIOS processing method, comprising:

during execution of a system BIOS, determining whether a video BIOS package is present in an enhancement space of firmware, the video BIOS package in the enhancement space including a BIOS update,

if the video BIOS package is present in the enhancement space, decompressing the video BIOS package, and

executing the video BIOS package.

As mentioned above, *Shipman* fails to disclose the determination of whether an alternative BIOS exists. Accordingly, *Shipman* fails to anticipate or render obvious every element presented in independent claim 35, and the applicants respectfully request the withdrawal of the § 102(b) rejections over independent claim 35 and dependent claim 36.

CONCLUSION

Claims 7-10, 16-26 and 28-36 are patentable.

The Examiner is invited to call the undersigned at (202) 220-4200 to discuss any information concerning this application.

The Office is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 11-0600.

Respectfully submitted,

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